

**MINUTES – CONSERVATION COMMISSION
TUESDAY, SEPTEMBER 16, 2014 7:00 P.M.
TOWN HALL, HEARING ROOM 2, 2ND FLOOR
870 MORaine ST., MARSHFIELD, MA**

Approved 11/10/15 4-0-0

Members present: William Levin (WL), Robert Conlon (RC), Frank Woodfall (FW), Chad Haitsma (CH), Alison Cochrane (AC), and Jay Wennemer, Conservation Agent (JW). RC motioned to open the meeting, WL second, motion passed 5-0-0.

MINUTES

BUSINESS

1. Vote & sign Orders of Conditions for closed hearings (if projects are voted closed and/or the Commission is prepared to vote on Conditions):
 - Jennings, 161 June Street – RC motion to approve JW's draft, WL second, passed 5-0-0.
 - Stiles, 87 Edmund Road – RC motion to approve JW's draft, WL second, passed 5-0-0.
 - Lage, 14 E Street – RC motion to approve JW's draft, WL second, passed 5-0-0.
 - Adelaide, 108 Webster Street – Commissioners revised JW's draft. RC motion to approve revised, WL second, passed 5-0-0.
2. Scheduled Meetings: Tuesday, October 7th and 21st
3. Evans Land donation offer – Norwich St., 1/8 acre next to ConCom land (G12-02-04)
4. Other volunteer opportunities
5. Discussion of Joint Meeting possibility with ZBA, BOH, and Planning for 2205 Main Street – JW started Development Team meetings with other departments & boards in town to talk about projects. At first meeting everybody was discussing 2205 Main St. – all having problems with it – feeling put upon to reinvent the rules. Discussion about possibility of having joint meeting with these boards to make sure we're all on the same page as Town Counsel suggested. Jerry O'Neill mentioned to attorney Stephen Guard, who said no, no joint meeting. ZBA meeting will be Tuesday night. Board of Health not happy – 249 seat restaurant – need certain number of bathrooms – have proposed composting toilets, etc. Difficult site for septic.

ENFORCEMENT ORDERS

REQUESTS FOR CERTIFICATES OF COMPLIANCE

Backburner:

1. 1658 Heaney, 29 Farragut Road
2. 2324 Wallace, 110 Damon's Point Road
3. 1090 Peterson, 219 Ridge Road
4. 1827 L. L. Smith, 60 Macomber's Ridge
5. REQPC-1925, Cushing Construction (Parsonage St.) Garden Gate
6. 2381 NSTAR, Pine Street
7. SE42-2363 Hannah Brook LLC, Off Summer Street

Current:

1. SE42-2333 Wencis, 82 Blue Heron Way
2. SE42-2471 Wencis, 82 Blue Heron Way
3. SE42-1628 Romano, 375 Union Street
4. SE42-1565 Holt, 146 Highland Street

JW recommends CC's for all 4 current projects. RC motion to issue, FW second, passed 5-0-0.

REQUESTS FOR DEVIATION

REQUESTS FOR EXTENSION

NEW BUSINESS

This time is reserved for topics that the chair did not reasonably anticipate would be discussed.

PUBLIC HEARINGS

September 16, 2014

7:00 2513 DPW, Damon's Pt. Revetment - Tom Sexton from Haley & Ward presented. Last met on July 29th when Commission voiced concern that the channel to the North River not be further restricted by timber bulkhead. Went back to the drawing board – settled on modified plan with DPW. In the meantime, met with North River Commission in August, with favorable review. Have one more hearing with NRC on Sept. 25th. Have rec'd MEPA certificate, heard from the NHESP, Div. of Marine Fisheries and Board of Underwater archeological resources – had no comments.

New plan of alternatives replicates existing condition – what's different – bulkhead is pulled back 2 ½ feet or more. Existing concrete walkway is being replicated – small retaining wall from 6" to 3' on western side of Damon's Point. New bulkhead will maintain level height. Have another concrete walkway replacing existing and along east side is a small retaining wall.

WL – do the plans still show the chain link fence mentioned last meeting? TS – there would be a concrete walkway but all contained within timber bulkhead. East side of walkway has small retaining wall. 9.6 top of gangway. All road surface levels. JW – is the chain link fence still proposed. Yes, along east, north and a portion of the west perimeter TS said. FW – before showed existing bulkhead – doesn't show on new plan.

WL – is there some regulation or law that requires the chain fence? TS – ADA requirements, safety issue. JW – shows guardrail around area on plan. FW – shouldn't there be a guard rail to prevent cars entering? There are bollard posts to prevent vehicles from the end, TS said. WL – doesn't like the idea of having a fence where there hasn't been one before. JW – commercial use and lot of recreation – chain link fence would detract from the view of the area – needs to be justified instead of just having a low guard rail. TS – there is a channel marker on the piling and a fence there now. CH – do the specs call for a chain link fence? DPW decision and ADA compliance TS said. JW – why don't we continue it and run it by DPW? TS Federal money may disappear if project not done soon. JW suggests speaking with DPW about fence and incorporating fence changes in Orders. RC motion to close, FW second, passed 5-0-0.

7:15 RDA 14-02 Reilly, 15 Prospect St. - RC read notice of meeting. CH hearing officer. JW recommended a Negative #3 determination. CH motion to close hearing, FW second, passed 5-0-0. CH motion to issue a Negative #3 determination, RC second, motion passed 5-0-0.

7:30 2520 Vu, 12 Howes Brook Road - RC read notice of public hearing. RC hearing officer. Lena Win, attorney for applicant, Kim Vu and one abutter present. Purchased land in June 2014 from Rockland Trust. Proposing to build single family house, 2,800 sq. ft., two floors, 4 bedroom. Seeking Variance because proposed foundation is within 75' No Structures buffer (Marshfield Regulations section X.B), approx. 50-feet from resource area. JW noted that no written variance request, as required in the Regulations, has been received. This is the last piece of land in the subdivision that's not developed. 35' deep 55' wide main house and 2-car garage 24'w and 28' deep, maintaining 40' frontage. Septic tank will be in the front. Title 5 passed. Had letters of approval from some abutters. Elaine Cyr from #12 Howes Brook voiced concern for wildlife habitat and detrimental effects of clearing and developing the lot. FW– figures 3800 sq. ft. house? 1,900 on first floor, with cathedral ceiling- about 1,000 on second floor. RC – did applicant know he needed a Variance to build a house before he bought the lot? Mr. Vu said he did not – talked to Gerry O'Neill, the Building Inspector and JW. JW stated that he explained the 75-foot setback to structures to Mr. Vu, as he had to many other prospective buyers for this lot. There are two avenues of Variance requests – to prove to the Commission that the area is not important to wildlife and that building the house will not have any adverse effect. The other is to prove a regulatory taking. With assent from other members, RC stated the Commission is not in favor of granting a Variance. Applicant requested continuance in order to seek a Variance from ZBA for relief from front setback in order to move proposed house closer to street. RC motion to continue to Oct. 21 @ 7:30pm, FW second, passed 5-0-0.

7:35 25__ Brogan, 6 Jackson St. – RC read notice of public hearing. Applicant has requested a continuance to 10/7 at 7:35 pm. RC motion to continue, FW second, passed 5-0-0

7:40 2518 Kilcoyne, 51 North River Dr. - Applicant has requested a continuance to 10/7 at 7:15 pm. RC motion to continue, FW second, passed 5-0-0

RC motion to adjourn at 8:45, FW second, passed 5-0-0.

Respectfully submitted,

Lois Keenlisle

Marshfield Conservation Commission

Jay Wennemer, Conservation Agent

William Levin

Robert Conlon

Frank Woodfall

Chad Haitsma

Alison Cochrane